

## REMARKS

After entry of this Amendment, claims 1, 3-6, and 8-10 will remain in this application. Claims 2 and 7 were previously canceled. Entry of the Amendment and reconsideration of the application are requested.

Independent claims 1 and 6 are again rejected, along with dependent claims 3 and 4, as being unpatentable over U.S. Patent 4,907,929 to Johnston Jr. in view of U.S. Patent 2,962,317 to Morse. Reconsideration is requested. The Examiner again contends that the Johnston Jr. patent “discloses a device comprising a spike (16)....” As noted in the Reply filed February 2, 2005, however, element 16 of the Johnston Jr. configuration is an anchor bolt and cannot be properly characterized as a “spike.” While the Examiner’s comments relating to the dictionary definition of “spike” are noted, these comments are inapposite, since the Johnston Jr. anchor bolt 16 is also not properly characterized as “a heavy nail” or “a thick nail” as the Examiner concludes.

It is again submitted that the Examiner mischaracterizes the Johnston Jr. cover 20 as “an attachment element” which is “releasably connectable” to the Johnston Jr. anchor bolt 16, since both axial removal and unscrewing of the Johnston Jr. cover 20 are prevented in the manner discussed in lines 48-53 of column 4 of the Johnston Jr. patent. The Examiner’s general statement in section 5 on pages 3-4 of the Office Action that “this manner is applied only to certain embodiments of the invention and does not apply to the whole scope of the invention disclosed” fails to respond with specificity to the argument that the

Johnston Jr. cover 20 is improperly characterized as an attachment element which is releasably connectable to the Johnston Jr. anchor bolt 16.

As noted in the last-filed reply, in the preferred embodiment illustrated and discussed throughout the Johnston Jr. patent, each anchor bolt 16 is embedded in a concrete foundation 14. Nothing properly relied on by the Examiner suggests employing an anchor bolt particularly configured so as to be embedded in a concrete foundation, such as the Johnston Jr. anchor bolt 16, with metal surfaces such as those referred to in section 6 on page 4 of the Office Action. Again, while it is true that the Morse patent discloses several forms of a magnetic nut 10, in the context of the Johnston Jr. disclosure, the Examiner's proposal to "replace the insert" supposedly formed by the Johnston Jr. nut 18 "with the magnetic nut disclosed by Morse in order to solidly secure the device" supposedly formed by the Johnston Jr. anchor bolt 16 and the Johnston Jr. cover 20 "against component surfaces that are made of metal" does not make sense.

The rejection set forth in section 3 on pages 2-3 of the Office Action is inappropriate for reasons discussed above, the Johnston Jr. and Morse patents, taken as a whole, do not suggest the subject matter of either claim 1 or claim 6, and the rejection of claims 1 and 6 based on the Johnston Jr. and Morse patents should be withdrawn. The rejection of claims 3 and 4, which depend on claim 1, should be withdrawn as well.

Independent claims 5 and 8-10 are rejected as being unpatentable over the Johnston Jr. and Morse patents as applied to claims 1, 3, 4, and 6, and further in view of U.S. Patent 4,220,187 to Holmes. This rejection relies on the same

interpretation of the Johnston Jr. disclosure and the same proposed modification to the Johnston Jr. configuration discussed above, however, and should also be withdrawn.

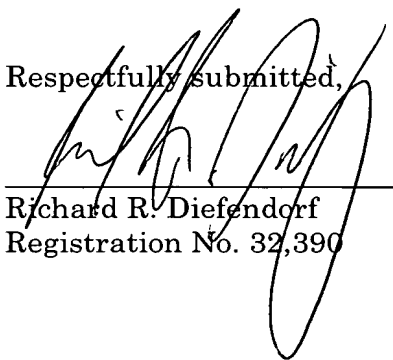
Each of independent claims 1, 5, 6, and 8-10 is additionally amended above and now refers, in the body thereof, to a body part of a motor vehicle. The “body part of a vehicle” or “body part of a motor vehicle” limitation appearing these claims, therefore, can not now be simply dismissed by the Examiner as preamble limitations. The prior art relied on by the Examiner fails to suggest a device or attachment element as claimed which is used in connection with a vehicle body part, and claims 1, 5, 6, and 8-10 are further distinguished from the prior art relied on by the Examiner as a result of the amendments set forth above.

It is respectfully submitted that this application will be allowable after entry of this Amendment for reasons discussed above. Entry of the Amendment and reconsideration of the application are in order and are requested.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

July 12, 2005

Respectfully submitted,



---

Richard R. Diefendorf  
Registration No. 32,390

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
RRD:rd